

AMENDED IN SENATE APRIL 21, 2015

SENATE BILL

No. 566

Introduced by Senator Bates

February 26, 2015

An act to amend Section ~~31700~~ 31650 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 566, as amended, Bates. Firearms.

Existing law authorizes a certified handgun safety instructor to charge a fee of \$25 for the issuance of a handgun safety certificate, \$15 of which is paid to the Department of Justice to cover the department's costs in carrying out and enforcing provisions of law relating to handgun safety certificates.

This bill would reduce the fee for a handgun safety certificate to \$15 for an honorably discharged member of the United States Armed Forces, the National Guard, the Air National Guard, or the active reserve components of the United States, \$10 of which is to be paid to the Department of Justice to cover the above-described costs.

~~Existing law, except as specified, prohibits a person from purchasing or receiving any firearm without a valid firearm safety certificate, and prohibits any person from selling, delivering, loaning, or transferring any firearms to any person who does not have a valid firearm safety certificate. Existing law provides that certain classes of persons are exempted from complying with the firearm safety certificate requirement, including, among others, active or honorably retired members of the United States Armed Forces, the National Guard, the Air National Guard, or the active reserve components of the United States.~~

~~This bill would additionally exempt honorably discharged members of the United States Armed Forces, the National Guard, the Air National Guard, or the active reserve components of the United States from complying with the firearm safety certificate requirement.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 31650 of the Penal Code is amended to
2 read:

3 31650. (a) The certified instructor may charge a fee of
4 twenty-five dollars (\$25), fifteen dollars (\$15) of which is to be
5 paid to the department pursuant to subdivision (c). *For an*
6 *honorably discharged member, the certified instructor may charge*
7 *a fee of fifteen dollars (\$15), ten dollars (\$10) of which is to be*
8 *paid to the department pursuant to subdivision (c).*

9 (b) An applicant to renew a firearm safety certificate shall be
10 required to pass the objective test. The certified instructor may
11 charge a fee of twenty-five dollars (\$25), fifteen dollars (\$15) of
12 which is to be forwarded to the department pursuant to subdivision
13 (c). *For an honorably discharged member, the certified instructor*
14 *may charge a fee of fifteen dollars (\$15), ten dollars (\$10) of which*
15 *is to be forwarded to the department pursuant to subdivision (c).*

16 (c) The department may charge the certified instructor up to
17 fifteen dollars (\$15) for each firearm safety certificate issued by
18 ~~that instructor~~ instructor, *or up to ten dollars (\$10) for each*
19 *handgun safety certificate issued by that instructor to an honorably*
20 *discharged member, to cover the department's cost in carrying out*
21 and enforcing this article, and enforcing the provisions listed in
22 subdivision (e), as determined annually by the department.

23 (d) All money received by the department pursuant to this article
24 shall be deposited into the Firearms Safety and Enforcement
25 Special Fund created pursuant to Section 28300.

26 (e) The department shall conduct enforcement activities,
27 including, but not limited to, law enforcement activities to ensure
28 compliance with the following provisions:

29 (1) Section 830.95.

30 (2) Title 2 (commencing with Section 12001) of Part 4.

31 (3) This part, except Sections 16965, 17235, and 21510.

1 ~~(f) This section shall become operative on January 1, 2015.~~

2 ~~(f) For purposes of this section, “honorably discharged~~
3 ~~member” means an honorably discharged member of the United~~
4 ~~States Armed Forces, the National Guard, the Air National Guard,~~
5 ~~or the active reserve components of the United States, who has~~
6 ~~received a United States Department of Defense certificate of~~
7 ~~release or discharge from active duty, DD Form 214, indicating~~
8 ~~a discharge under honorable conditions.~~

9 ~~SECTION 1. Section 31700 of the Penal Code is amended to~~
10 ~~read:~~

11 ~~31700. (a) The following persons, properly identified, are~~
12 ~~exempted from the firearm safety certificate requirement in~~
13 ~~subdivision (a) of Section 31615:~~

14 ~~(1) Any active or honorably retired peace officer, as defined in~~
15 ~~Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.~~

16 ~~(2) Any active or honorably retired federal officer or law~~
17 ~~enforcement agent.~~

18 ~~(3) Any reserve peace officer, as defined in Section 832.6.~~

19 ~~(4) Any person who has successfully completed the course of~~
20 ~~training specified in Section 832.~~

21 ~~(5) A firearms dealer licensed pursuant to Sections 26700 to~~
22 ~~26915, inclusive, who is acting in the course and scope of that~~
23 ~~person’s activities as a person licensed pursuant to Sections 26700~~
24 ~~to 26915, inclusive.~~

25 ~~(6) A federally licensed collector who is acquiring or being~~
26 ~~loaned a firearm that is a curio or relic, as defined in Section 478.11~~
27 ~~of Title 27 of the Code of Federal Regulations, who has a current~~
28 ~~certificate of eligibility issued by the department pursuant to~~
29 ~~Section 26710.~~

30 ~~(7) A person to whom a firearm is being returned, where the~~
31 ~~person receiving the firearm is the owner of the firearm.~~

32 ~~(8) A family member of a peace officer or deputy sheriff from~~
33 ~~a local agency who receives a firearm pursuant to Section 50081~~
34 ~~of the Government Code.~~

35 ~~(9) Any individual who has a valid concealed weapons permit~~
36 ~~issued pursuant to Chapter 4 (commencing with Section 26150)~~
37 ~~of Division 5.~~

38 ~~(10) An active, honorably discharged, or honorably retired~~
39 ~~member of the United States Armed Forces, the National Guard,~~
40 ~~the Air National Guard, or the active reserve components of the~~

1 United States, where individuals in those organizations are properly
2 identified. For purposes of this section, proper identification
3 includes the Armed Forces Identification Card or other written
4 documentation certifying that the individual is an active, honorably
5 discharged, or honorably retired member.

6 ~~(11) Any person who is authorized to carry loaded firearms~~
7 ~~pursuant to Section 26025 or 26030.~~

8 ~~(12) Persons who are the holders of a special weapons permit~~
9 ~~issued by the department pursuant to Section 32650 or 33300,~~
10 ~~pursuant to Article 3 (commencing with Section 18900) of Chapter~~
11 ~~1 of Division 5 of Title 2, or pursuant to Article 4 (commencing~~
12 ~~with Section 32700) of Chapter 6 of this division.~~

13 ~~(b) The following persons who take title or possession of a~~
14 ~~firearm by operation of law in a representative capacity, until or~~
15 ~~unless they transfer title ownership of the firearm to themselves~~
16 ~~in a personal capacity, are exempted from the firearm safety~~
17 ~~certificate requirement in subdivision (a) of Section 31615:~~

18 ~~(1) The executor or administrator of an estate.~~

19 ~~(2) A secured creditor or an agent or employee thereof when~~
20 ~~the firearms are possessed as collateral for, or as a result of, or an~~
21 ~~agent or employee thereof when the firearms are possessed as~~
22 ~~collateral for, or as a result of, a default under a security agreement~~
23 ~~under the Commercial Code.~~

24 ~~(3) A levying officer, as defined in Section 481.140, 511.060,~~
25 ~~or 680.260 of the Code of Civil Procedure.~~

26 ~~(4) A receiver performing the functions of a receiver.~~

27 ~~(5) A trustee in bankruptcy performing the duties of a trustee.~~

28 ~~(6) An assignee for the benefit of creditors performing the~~
29 ~~functions of an assignee.~~

30 ~~(c) A person, validly identified, who has been issued a valid~~
31 ~~hunting license that is unexpired or that was issued for the hunting~~
32 ~~season immediately preceding the calendar year in which the person~~
33 ~~takes title of possession of a firearm is exempt from the firearm~~
34 ~~safety certificate requirement in subdivision (a) of Section 31615,~~
35 ~~except as to handguns.~~

36 ~~(d) This section shall become operative on January 1, 2015.~~